



0055

# U. S. DEPT. OF THE INTERIOR

## OFFICE OF SURFACE MINING

### Mine Site Evaluation

### State Program



1. Permittee/Person <b>CONSOLIDATION COAL CO.</b>		9. Permit Number <b>UT-015-015</b>	10. Permit Type <b>PP</b>
2. Address <b>P.O. BOX 566</b>		11. Field Visit Date <b>10/27/2009</b> mm - dd - yyyy	12. Purpose <b>O</b>
3. City <b>Sesser</b>	4. State <b>IL</b>	13. SRA Present <b>Y</b>	14. Permit Status <b>A</b>
5. Zip Code <b>62884</b>	6. Phone Number <b>(618) 625-6850</b>	15. Site Status <b>AP</b>	16. Facility Type <b>BEFG</b>
7. Operator Name, if Different than Permittee		17. OSM Office # <b>140</b>	18. CCID #
8. Mine Name <b>EMERY DEEP MINE</b>		19. Land Code <b>SF</b>	20. M.S.H.A ID # <b>42-00079</b>
		21. State Abrev. <b>UT</b>	22. County Name <b>EMERY</b>
		23. AVS Permittee Entity ID Number <b>107373</b>	24. State Office

**25. Hours**

- |             |                    |
|-------------|--------------------|
| <b>4.0</b>  | a. Permit Review   |
| <b>4.2</b>  | b. Site Visit Time |
| <b>12.0</b> | c. Travel Time     |
| <b>4.0</b>  | d. Report Writing  |

**26. Signature Block**

*Christine Belka*  
Signature:  
**Christine Belka ID # 182**  
Printed Name:  
Date: **11/13/2009**

**27. Reviewing Official:**

*James Tule*  
Signature:  
Review Date: **11/13/2009**  
mm - dd - yyyy  
Is Supplemental MSE Page Used Y/N **Y**

**Permit Type — Item 10** IP = Interim Program, PP = Permanent Program, NP = No Permit**Purpose Type Codes Item 12**Oxx... Oversight  
Axx... AssistanceRFx... Reclamation Fees  
Fxx... Federal ActionsCCR... Citizen Complaint Referral (non site visit)  
CC... Citizen Complaint (initial site visit)  
CCF... Citizen Complaint Follow-up**Joint Inspection — Item 13** A joint inspection is when a state inspector accompanies an OSM inspector any time during the review of the mine site.**Permit Status — Item 14**A... Active: Coal mining and reclamation activities occurring or permitted but not yet disturbed.  
IN... Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit) Coal mining completed and reclamation activities initiated.  
BR... Bond Release: Reclamation completed and State Regulatory Authority (RA) has released all of the bond (Phase III Release.)AB... Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g).  
AB1... Bond Forfeiture: Bond forfeiture officially in process or completed, and reclamation in progress or not yet commenced.  
AB2... Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
AB3... Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
NA... Not Applicable: When site is unpermitted.**Site Status Codes — Item 15**ND... No Disturbance: No coal mining and reclamation operations have been started.  
EX... Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
AP... Active Coal Producing: Coal surface mining activities are occurring.  
AN... Active Non-Producing: Active non-producing facility such as tipple or preparation plant.  
NM... No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.MC... Mining Complete: No mining activity on site, site regraded and awaiting phase bond release.  
TC... Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.131(b).  
P1... Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.  
P2... Phase II Release: At least Phase II bond release for the entire permitted area.  
P3... Phase III Release: Reclamation completed and the RA has released all bond.NS... Non-Site Visit: Status of site not determined.  
FP... Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.  
FR... Forfeited and Reclaimed: Forfeiture reclamation completed.  
FO... Abandoned Site: Abandoned site that is permitted but there is no bond.  
WC... Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.**Facility Type Codes — Item 16**A... Surface  
B... Underground  
C... Preparation PlantD... Ancillary (Haulroad, Conveyor, and/or Rails)  
E... Refuse and/or Impoundment  
F... Loading Facility and/or Tipple  
G... StockpilesH... Exploration Permits  
I... Notice of Intent to Explore  
J... Exempt 16 and 2/3  
K... Government Financed Construction Exemption

L... Remining site permitted

**RECEIVED****Small Business Regulatory Enforcement Fairness Act (SBREFA)****Your Comments Are Important**

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

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Revised December 4, 1998

# U. S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING

## Mine Site Evaluation

State Program

Permittee/  
Person

CONSOLIDATION COAL

Permit  
Number

UT-015-015

Field Visit  
Date

10/27/2009

Continuation Page

### 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited

<b>A. Administrative</b> 1. <u>1</u> Mining within Valid Permit 2. <u>1</u> Mining within Bonded Area 3. <u>1</u> Terms & Conditions of Permit 4. <u>1</u> Liability Insurance 5. <u>1</u> Ownership and Control 6. <u>   </u> Temporary Cessation 7. <u>   </u> AML Rec. Fees -- Non-Respondent 8. <u>   </u> AML Rec. Fees -- Failure to Pay	<b>D. Backfilling &amp; Grading</b> 1. <u>   </u> Exposed Openings 2. <u>   </u> Contemporaneous Reclamation 3. <u>   </u> Approximate Original Contour 4. <u>   </u> Highwall Elimination 5. <u>   </u> Steep Slopes (includes downslope) 6. <u>   </u> Handling of Acid & Toxic Materials 7. <u>   </u> Stabilization (rills and gullies)	<b>H. <u>   </u> Subsidence Control Plan</b> <b>I. Roads</b> 1. <u>   </u> Road Construction 2. <u>   </u> Certification 3. <u>   </u> Drainage 4. <u>   </u> Surfacing and Maintenance 5. <u>   </u> Reclamation												
<b>B. Hydrologic Balance</b> 1. <u>1</u> Drainage Control 2. <u>1</u> Inspections & Certifications 3. <u>1</u> Siltation Structures 4. <u>1</u> Discharge Structures 5. <u>5</u> Diversions 6. <u>1</u> Effluent Limits 7. <u>1</u> Ground Water Monitoring 8. <u>1</u> Surface Water Monitoring 9. <u>1</u> Drainage -- Acid-Toxic Materials 10. <u>1</u> Impoundments 11. <u>   </u> Stream Buffer Zones	<b>E. Excess Spoil Disposal</b> 1. <u>1</u> Placement 2. <u>1</u> Drainage Control 3. <u>1</u> Surface Stabilization 4. <u>   </u> Inspections & Certifications	<b>J. Signs &amp; Markers</b> 1. <u>1</u> Signs 2. <u>1</u> Markers <b>K. <u>   </u> Distance Prohibitions</b> <b>L. Revegetation</b> 1. <u>   </u> Vegetative Cover 2. <u>   </u> Timing												
<b>C. Topsoil &amp; Subsoil</b> 1. <u>1</u> Removal 2. <u>1</u> Substitute Materials 3. <u>1</u> Storage and Protection 4. <u>   </u> Redistribution	<b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> 1. <u>1</u> Drainage Control 2. <u>1</u> Surface Stabilization 3. <u>1</u> Placement 4. <u>1</u> Inspections and Certifications 5. <u>1</u> Impounding Structures	<b>M. <u>   </u> Postmining Land Use</b> <b>N. Other</b>												
<table border="0"><tr><td>General</td><td></td></tr><tr><td>Performance</td><td></td></tr><tr><td>Category</td><td></td></tr><tr><td></td><td>1) _____</td></tr><tr><td></td><td>2) _____</td></tr><tr><td></td><td>3) _____</td></tr></table>			General		Performance		Category			1) _____		2) _____		3) _____
General														
Performance														
Category														
	1) _____													
	2) _____													
	3) _____													

### Performance Standard Catagories

#### 30 CFR Counterpart

<b>A. Administrative.....</b>	
1. Valid Permit.....	773.11
2. Mining within Bonded Area.....	773.11
3. Terms & Conditions of Permit.....	773.17
4. Liability Insurance.....	800.60
5. Ownership and Control.....	778.13
6. Temporary Cessation.....	842.11(e) & 816/817.131
7. AML Rec. Fees -- Non-Respondant.....	870.15(b)
8. AML Rec. Fees -- Failure to Pay.....	870.15(a)
<b>B. Hydrologic Balance.....(816/817.41-57)</b>	
1. Drainage Control.....	45
2. Inspections & Certifications.....	49(a)(10)
3. Siltation Structures.....	46
4. Discharge Structures.....	47
5. Diversions.....	43
6. Effluent Limits.....	42
7. Ground Water Monitoring.....	41(c)
8. Surface Water Monitoring.....	41(e)
9. Drainage--Acid - Toxic Materials.....	41(f)
10. Impoundments.....	49
11. Stream Buffer Zones.....	57
<b>C. Topsoil &amp; Subsoil.....(816/817.22)</b>	
1. Removal.....	22(a)
2. Substitute Materials.....	22(c)
3. Storage and Protection.....	22(c)
4. Redistribution.....	22(d)
<b>D. Backfilling &amp; Grading.....(816/817.95-107)</b>	
1. Exposed Openings.....	816/817.13, 14, 15, & 823.11 & 21
2. Contemporaneous Reclamation.....	100
3. Approximate Original Contour.....	102(a)(1)
4. Highwall Elimination.....	102(a)(2)
5. Steep Slopes (includes downslope).....	107
6. Handling of Acid & Toxic Materials.....	102(c)
7. Stabilization (rills and gullies).....	95(b)

<b>E. Excess Spoil Disposal.....(816/817.71-74)</b>	
1. Placement.....	71(e)
2. Drainage Control.....	71(f)
3. Surface Stabilization.....	71(g)
4. Inspections & Certifications.....	71(h)
<b>F. Coal Mine Waste (Refuse Piles/Impoundments) .....(816/817.81-84)</b>	
1. Drainage Control.....	83(a)
2. Surface Stabilization.....	83(b)
3. Placement.....	83(c)
4. Inspections and Certifications.....	83(d)
5. Impounding Structures.....	84
<b>G. Use of Explosives.....(816/817.61-68)</b>	
1. Blaster Certification.....	61(c)
2. Distance Prohibitions.....	61(d)
3. Blast Survey/Schedule.....	62-64
4. Warnings & Records.....	66 & 68
5. Control of Adverse Effects.....	67
<b>H. Subsidence Control Plan.....(817.121-122)</b>	
<b>I. Roads.....(816/817.150-151)</b>	
1. Road Construction.....	150(c)
2. Certification.....	151(a)
3. Drainage.....	150(b)-151(d)
4. Surfacing and Maintenance.....	150(e)-151(d)
5. Reclamation.....	150(f)
<b>J. Signs &amp; Markers .....(816/817.11)</b>	
1. Signs.....	11(a),(b),&(c)
2. Markers.....	11(a),(b),(d),(e),&(f)
<b>K. Distance Prohibitions.....(761.11)</b>	
<b>L. Revegetation.....(816/817.111-116)</b>	
1. Vegetative Cover.....	111 & 116
2. Timing.....	113
<b>M. Postmining Land Use.....(816/817.133)</b>	

**Emery Deep Complete Joint Inspection**

Utah Permit ID #C-015-0015

October 27, 2009 8:45 - 1:00

Weather conditions: windy, cool (low 40's), cloudy

**Participants:**

Karl Housekeeper (DOGM)

Jaren Jorgensen (Consol)

Christine Belka (OSM Badge ID #182)

This was a complete inspection of the Emery Deep mine.

**Records review:** NPDES permit #UT0022616 monitoring reports from 09-01-09 show most discharge locations had no discharge. Samples taken from discharging outlets show compliance with all parameters except Total Dissolved Solids (TDS). The monthly average of 3,796 mg/L is above the 3,500 mg/L limit (individual readings also above this average). The Division of Water Quality has been notified of the exceedance.

Coal refuse pile and waste impoundment quarterly inspections were performed on 8/19/09 and certified on 8/21/09 by J. Quinn Healy, P.E. They were found to be stable and intact with no visible hazards. Quarterly sedimentation pond inspections were conducted on 8/29/09 by Jaren Jorgensen. The annual pond certification conducted by Richard White, P.E. on December 12, 2008 found soil piping on the Pond 8 embankment. The vegetation was to be removed and the area backfilled, compacted, and rip-rapped. The 4/21/09 sediment pond report showed that most ponds are near the 60% containment elevation. Jaren was made aware that if the ponds have not already been cleaned, they will need to be cleaned out soon.

The subsidence monitoring report from August 2009 indicates that subsidence cracks are filling in with sediment.

Chubb Group of Insurance Companies assures Bond ID #8093-71-80 for Consol payable to UT DOGM and USDOJ OSMRE. The bond amount was reduced from \$3,454,443 to \$2,208,000 on 7/23/04 because the prep plant and slurry pond had been removed, more precise calculations had been made, and the revision was instigated by a permit transfer that did not occur.

Acord Insurance policy BOG 9377215-05 includes all required coverage. The policy term is 1/05/09 through 11/05/09. Jaren was notified that the policy will expire next week.

DOGM permit #C-015-0015 was renewed on 1/6/06 (expires 1/8/11). The bond amount required in the permit renewal was the former amount of \$3,454,443. A bond revision was approved which reduced the bond amount to \$2,208,000. This appears to be a DOGM error (listing the old bond amount on the permit renewal document).

**Field evaluation:** Drainage from the old facilities area near the office reports to sediment ponds 3 and 8. Both ponds were dry at the time of inspection. Pond 3 has an old piece of pipe on the embankment which Jaren was notified should be properly removed and disposed of (see Figure 1).

The coal refuse pile was inspected. Coal waste from the pile is processed by Covol, with waste rock returned to the pile in 1 ft compacted lifts. The refuse pile area also reports to Pond 8. The approved upper coal refuse area

has not received any refuse, and instead serves as the mine site's safety hazard training area.

Pond 5 was containing water at the time of inspection. An inlet culvert is cracked and should be repaired / replaced (see Figure 2). Jaren was notified.

The diversion surrounding the coal pile / conveyor area was filled with sediment. The culvert routing discharge under the road was almost completely clogged with sediment (see Figure 3). Karl informed Jaren that this was a potential NOV situation that needed to be addressed immediately. Jaren informed key mine staff of the situation and the diversion was being cleaned out before we left the site at the end of the inspection.

The large silt fence constructed around the coal stockpile / conveyor area is showing definite signs of wear and tear. This fence will need maintenance in the near future; however, no signs of coal fines or sediment leaving the area were noted at this time.

Waste rock pile from the box cut serves as a platform for an orderly materials storage area. Topsoil in the surrounding area is marked and protected by silt fence.

Mine water is pumped from underground to Ponds 1 and 6. Both ponds were filled with water and discharging at the time of inspection. Both appear stable and are functioning as designed.

Photographs taken:



Figure 1: Pond 3 with pipe needing to be removed



Figure 2: Pond 5 with inlet culvert needing repair

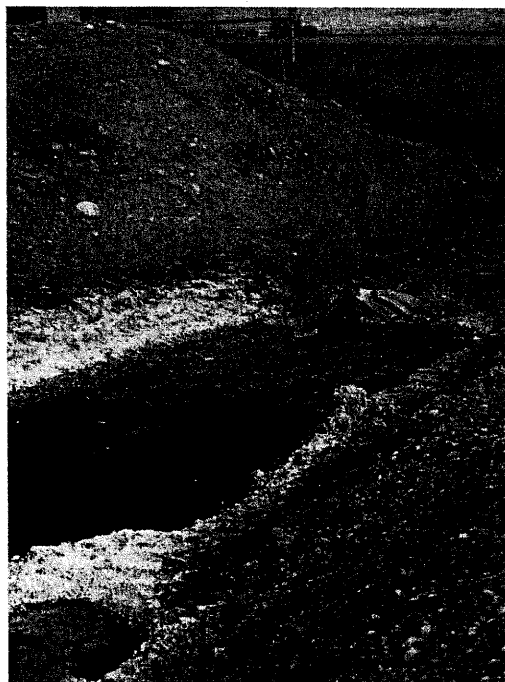


Figure 3: Clogged diversion / culvert